

From: marc fishman <[REDACTED]>

Sent: Thursday, August 20, 2020 8:11 AM

To: jalit.loomba@wilsonelser.com, "Langrin, Taryn A" <tal5@westchestergov.com>

CC: "Joseph Goubeaud Esq, criminal Atty" <JOELAW40@aol.com>

Subject: Brady violation in lower criminal case, upcoming nys human rights hearing against court for Brady violation and request to adjourn/reschedule date plaintiffs reply to federal court motion to dismiss is due (Fishman v New Richelle and officer

Schlesinger)

Dear Mrs. Chapman and Mr. Loomba:

Am writing to get your consent to adjourn the due date for the motion reply for federal motion to dismiss from September 16 to November 16, 2020. Am going in for cancer surgery and will not be able to work for thirty days in september.

In addition due to covid, there have been no court appearances in the state criminal case and my criminal attorney's two motions to dismiss have not been decided. Am attaching the motion to dismiss which we believe will be granted shortly

in westchester. However due to covid, state court appearances for April, may, june and July have been canceled and adjourned by judge Zuckerman to September 23, 2020. Cannot complete my opposition papers in federal court without an answer on the lower court

motion to dismiss the criminal charges and vacate the conviction.

Before I write to Honorable Judge Roman for the sixty day extension, wanted to get both of your opinions on this adjournment request and see if both of you would consent to mediation in the interim.

It Is clear the criminal charges will be dismissed by the state of new york. The only question is when. If the state dismisses in august or September that is great. If da scarpino refuses to withdraw charges incoming da momi rocah has

indicated she will drop the charges.

The discovery provided by mr.loomba in federal court proved police knew I was not served with order of protection before the arrest. Police left the questioning room three times at the station when I asked for a police report. Police

stated they were reading the notes in the order of protection three times online. The discovery provided by Mr. Loomba stated , " note Party not served with order of protection."

This discovery was withheld by da and police in state court before and during state court trial. My atty could not question police on this exonerating evidence. In addition the police records impeach the prosecution court clerk witness

statements and we did not have this required discovery. The jury did not have this exonerating evidence during trial. So am awaiting decision on Brady motion(see attached.)

In addition there is a nys human rights hearing next week for disability discrimination by the ny unified court system and their willful conduct to withhold evidence in this case and deny me accommodations for my disabilities. This nys

human rights action can effect this case greatly. We do not believe this Brady violation was unintentional. The discovery received in state court deliberately omits these pages from Mr loomba. As a disabled person under the ada regarded and acknowledged

by the state court, it Is illegal and retaliatory to intentionally withhold discovery from me as a disabled person. Nondisabled get full discovery timely. Nondisabled litigants are not prosecuted for twenty months on misdemeanors without appealable order..like

is being denied me in state court. This is disability didmscrimination by the county and police.

Am still willing to sit down and settle this case if both of you will agree to mediation.

Please get back to me with your decision on the adjournment and mediation.

Thank you.

Marc Fishman pro se

C: Joe Goubough, Esq.

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For further information about Wilson, Elser, Moskowitz, Edelman &

Dicker LLP, please see our website at www.wilsonelser.com or refer to

any of our offices.

Thank you.

Archived: Friday, September 11, 2020 4:30:21 PM

From: [Loomba, Lalit K.](#)

Sent: Fri, 11 Sep 2020 14:48:03

To: [Natoli, Michelle](#)

Subject: FW: Brady violation in lower criminal case, upcoming nys human rights hearing against court for Brady violation and request to adjourn/reschedule date plaintiffs reply to federal court motion to dismiss is due (Fishman v New Richelle and officer Schle...

Sensitivity: Normal

Lalit K. Loomba
Of Counsel
Wilson Elser Moskowitz Edelman & Dicker LLP
1133 Westchester Avenue
White Plains, NY 10604
914.872.7118 (Direct)
914.500.3902 (Cell)
914.323.7000 (Main)
914.323.7001 (Fax)
lalit.loomba@wilsonelser.com

From: marc fishman [mailto:]

Sent: Monday, August 31, 2020 2:35 PM

To: Loomba, Lalit K. <Lalit.Loomba@wilsonelser.com>; romannysdchambers@nysd.uscourts.gov; tal5@westchestergov.com

Subject: Fwd: Brady violation in lower criminal case, upcoming nys human rights hearing against court for Brady violation and request to adjourn/reschedule date plaintiffs reply to federal court motion to dismiss is due (Fishman v New Richelle and officer Schle...

[EXTERNAL EMAIL]

Ooh if adjournment/extension request sent to opposing counsel 8/20 in case 19-cv-00265-nsr

----- Forwarded message -----

From: marc fishman < >

Date: Thu, Aug 20, 2020 at 12:08 PM

Subject: Fwd: Brady violation in lower criminal case, upcoming nys human rights hearing against court for Brady violation and request to adjourn/reschedule date plaintiffs reply to federal court motion to dismiss is due (Fishman v New Richelle and officer Schlesinger)

To: <lalit.loomba@wilsonelser.com>, <tal5@westchestergov.com>

----- Forwarded message -----

From: marc fishman < >

Date: Thu, Aug 20, 2020, 08:11

Subject: Fwd: Brady violation in lower criminal case, upcoming nys human rights hearing against court for Brady violation and request to adjourn/reschedule date plaintiffs reply to federal court motion to dismiss is due (Fishman v New Richelle and officer Schlesinger)

To: <tal5@westchestergov.com> <tal5@westchestergov.com>

----- Forwarded message -----

From: marc fishman < >

Date: Thu, Aug 20, 2020 at 8:10 AM

Subject: Brady violation in lower criminal case, upcoming nys human rights hearing against court for Brady violation and request to adjourn/reschedule date plaintiffs reply to federal court motion to dismiss is due (Fishman v New Richelle and officer Schlesinger)

To: <lalit.loomba@wilsonelser.com>, <tal5@westchestergov.com>

CC: Joseph Goubeaud Esq, criminal Atty <JOELAW40@aol.com>

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Thank you.

Marc Fishman pro se

C: Joe Goubough, Esq.

COUNTY COURT
COUNTY OF WESTCHESTER

PEOPLE OF THE STATE OF NEW YORK

Against

MARC FISHMAN

Defendant

Ind# 6293M-2018
NOTICE OF
MOTION

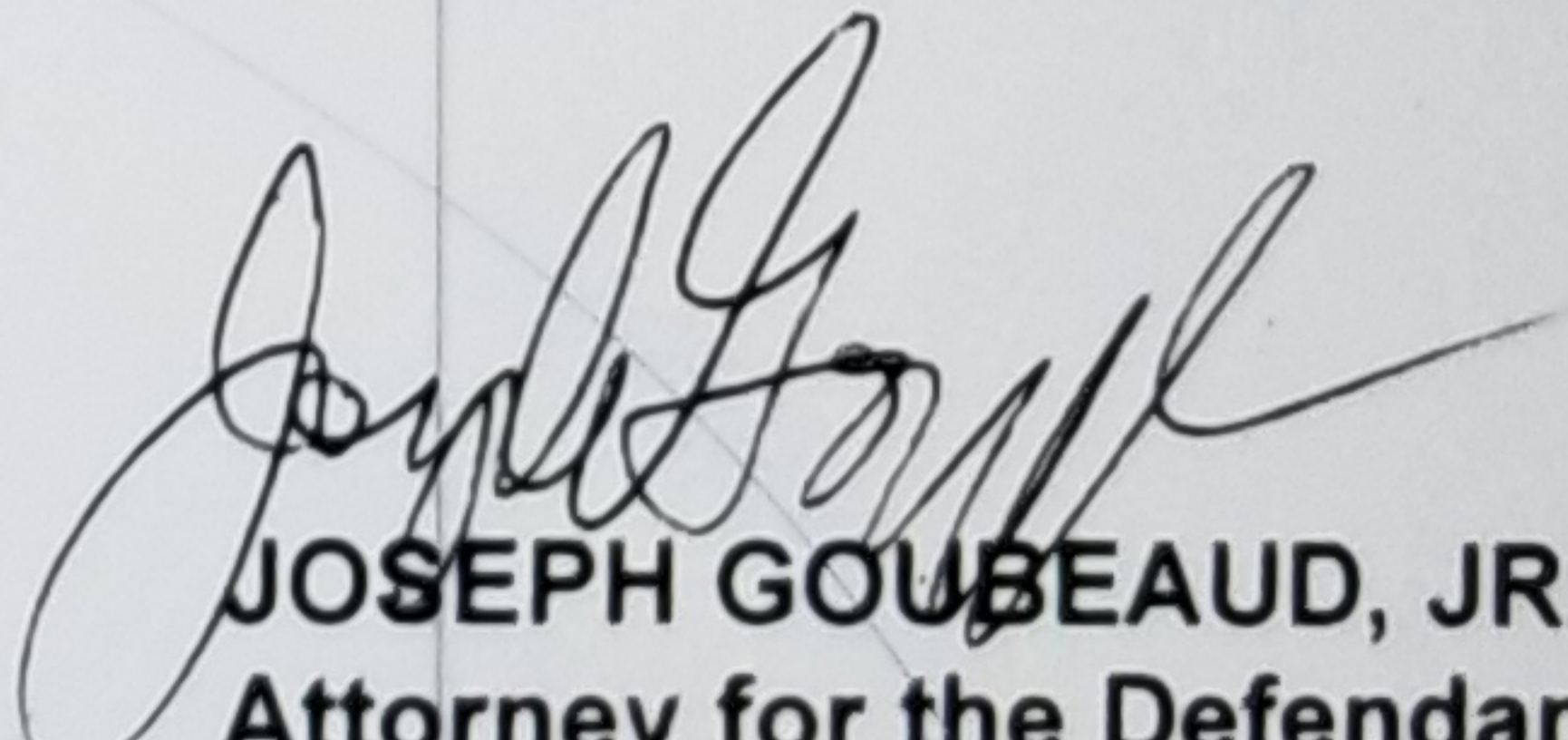
SIRS:

PLEASE TAKE NOTICE that upon the affirmation of Joseph Goubeaud, Jr., the Complaint and proceedings had herein. The undersigned will move this court before the Hon. David Zuckerman, at the County Courthouse, 111 MLK Blvd., White Plains, New York on September 23, 2020 at 9:30 o clock in the forenoon of that day for an

ORDER pursuant to CPL article 440 vacating the verdict and setting aside the conviction rendered by the jury in this case based upon the discovery of a document in the possession of the New Rochelle Police Department that was not provided to the defense at or prior to trial which would have provided an ability to more effectively cross examine the police witness and probably produced a more favorable verdict .

ORDER for such other and further relief as to the Court seems proper

Dated: August 13, 2020


JOSEPH GOUBEAUD, JR.
Attorney for the Defendant
22 West First Street Suite 502
Mount Vernon, N.Y. 10550